

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

AMERICAN SPIRIT AND CHEER  
ESSENTIALS, INC., ROCKSTAR  
CHAMPIONSHIPS, LLC, JEFF & CRAIG  
CHEER, LLC, d/b/a JEFF AND CRAIG  
CAMPS, and ASHLEY HAYGOOD,  
Individually and on Behalf of all Others  
Similarly Situated,

Plaintiffs,

v.

VARSITY BRANDS, LLC, BSN SPORTS,  
LLC, VARSITY SPIRIT, LLC, STANBURY,  
LLC, HERFF JONES, LLC, BAIN CAPITAL,  
LP, CHARLESBANK CAPITAL  
PARTNERS, LLC, VARSITY BRANDS  
HOLDING CO., INC., VARSITY SPIRIT  
FASHION & SUPPLIES, LLC, U.S. ALL  
STAR FEDERATION, INC., USA  
FEDERATION FOR SPORT CHEERING,  
d/b/a USA CHEER, VARSITY INTROPIA  
TOURS, LLC and JEFF WEBB,

Defendants.

CIVIL ACTION  
FILE NUMBER:  
2:20-cv-02782-SHL-atc

**AFFIDAVIT OF  
PROPOSED INTERIM  
LEAD CLASS COUNSEL  
ROBERT A. FALANGA**

State of Georgia     )  
                                  )  
County of Fulton    )

Personally appeared Mr. Robert A. Falanga, who upon oath states and deposes as follows:

**1.**

I have done significant work identifying witnesses and investigating the potential claims in this case.

**2.**

I and the attorneys of my firm have experience both prosecuting and defending statutory tort class actions, RICO violations and other complex claims going back to 1989.

**3.**

I and my legal team have sufficient knowledge of applicable law including Federal and Georgia “RICO” laws, the Sherman and Clayton Acts, as well as the Federal Rules of Civil Procedure and the Local Rules of the Western District of Tennessee.

**4.**

I and my firm have committed significant and adequate resources to representing the Proposed Classes in this case.

**5.**

No other firm has or does represent the interests of the Plaintiffs with regard to *key questions of fact and law* such as:


- (1) Whether gyms like Fusion Elite (named plaintiff in another pending lawsuit against Varsity Brands, LLC) actually conspire with the Defendants, via payola kickbacks which are not shared by the parents who actually pay for the purchased merchandise and services;
- (2) To what extent the corporate owners of Varsity Brands, LLC knowingly participate; and
- (3) Claims that certain Defendants monopolize *non-cheer markets* in violation of state and federal antitrust law. Those markets include markets for scholastic athletic equipment, apparel, and graduation regalia.

FURTHER AFFIANT SAYETH NOT.

This the 3<sup>rd</sup> day of November, 2020.

  
Robert A. Falanga

Sworn to and subscribed  
before me this 3<sup>rd</sup> day  
of November, 2020.

  
Notary Public

